

From: [Turner, Philip](#)
To: [Miller, Garyg](#)
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EPA Plans Aggressive Sediment Dredging For Passaic, Angering Industry

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EPA is proposing one of the largest ever dredging remedies for part of the Passaic River Superfund site in New Jersey, underscoring the agency's preference for such costly removals at complex contaminated sediment sites, though industry says the plan is too costly, will take too long and conflicts with EPA policy calling for "adaptive" approaches.

The proposed cleanup plan for the Passaic, which EPA estimates could cost up to \$1.7 billion and take five years to complete, was announced April 11 at a press conference attended by EPA Region II Administrator Judith Enck and New Jersey environmental commissioner Bob Martin, along with New Jersey Democratic Sens. Robert Menendez and Cory Booker, and Rep. Bill Pascrell (D-NJ).

The proposal "will result in a cleaner river that protects people's health and increases the productive use of one of New Jersey's most important natural resources and creates jobs during the cleanup," Enck said in a press release. "Doing less is not good enough for this river or the people who live along it."

[EPA's proposal](#) calls for removing 4.3 million cubic yards of contaminated sediment -- which it says is one of the largest volumes ever to be dredged under the Superfund program. By comparison, the cleanup plan for the high-profile Hudson River site in New York called for removing 2.65 million cubic yards of sediment.

The Superfund site covers a 17-mile portion of the Lower Passaic River in northern New Jersey. It is also known as the Diamond Alkali site, named after the pesticides manufacturing plant that operated at the area from 1951 to 1969, and is contaminated with dioxins, polychlorinated biphenyls, metals, pesticides and polycyclic aromatic hydrocarbons.

The proposed cleanup plan focuses on the lower eight miles of the river, where EPA says 90 percent of the volume of contaminated sediment is located. EPA in 2008 had ordered cleanup of 200,000 cubic yards of contaminated sediment from a portion of the river directly across from the site of the former manufacturing plant.

The Passaic is one of several high-profile sediment sites EPA is addressing, including the Hudson River, Gowanus Canal in Brooklyn, NY, and the Duwamish Waterway in Seattle.

For the Passaic, EPA is partnering with the Army Corps of Engineers and other agencies to use authorities under Superfund, the Clean Water Act and Water Resources Development Act to remediate the site.

EPA's "preferred remedy" would remove 4.3 million cubic yards of sediment in a bank-to-bank cleanup and install a cap over the remaining 5.4 million cubic yards of contaminated soil. Because the agency is proposing to transport the sediment to off-site landfills or incinerators for disposal, the cleanup would cost roughly \$1.7 billion.

EPA rejected a \$1 billion option that would have used a confined aquatic disposal (CAD) site in Newark Bay, noting that New Jersey, the National Oceanic Atmospheric Administration and the Fish & Wildlife Service "expressed serious concerns" about the CAD option, saying it is "unprecedented in terms of its scale and footprint."

It is investigating whether on-site decontamination technology will become "commercially viable" and could be used as a complimentary disposal option in a final cleanup decision.

The agency also rejected a more "focused" option that would remove roughly 1 million cubic yards of sediment and cost \$600 million using off-site disposal, arguing it "would not come close to achieving protectiveness of human health and the environment in the 30 years after construction."



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The "focused" option is roughly similar to, though larger than, an alternative proposed by a group of 67 potentially responsible parties (PRPs) known as the Cooperating Parties Group (CPG).

EPA is accepting comments on the proposal through June 20.

'Impractical' Remedy

But in an April 11 statement, CPG says it is disappointed with EPA's proposal, calling it "a massive, impractical, and disruptive bank-to-bank remedy" and saying EPA did not study the group's alternative. The group disagrees with EPA's estimated time frame, saying the proposal "would take decades to implement."

The group says it is "equally concerning" that three other PRPs -- Tierra Solutions, Maxus Energy and Occidental Chemical Corp. -- "have unnecessarily delayed any meaningful action on the river for decades" and have "abandoned their obligation to restore the Passaic and are now attempting to hide."

The group says its option is consistent with 2005 EPA guidance calling for "adaptive" remedies at sediment sites to account for new information learned as cleanup is ongoing.

"Project managers are encouraged to use an adaptive management approach, especially at complex sediment sites to provide additional certainty of information to support decisions," [the guidance](#) says, noting that approach could include gathering additional data and testing the effectiveness of various cleanup technologies at a site.

An industry source says the CPG had been working with EPA headquarters officials who seemed open to the group's proposal for a targeted "adaptive" remedy, but believes Enck favors more expansive "bank-to-bank" dredging remedies and persuaded headquarters to embrace a more aggressive option.

According to [November 2012 comments](#) from CPG to EPA's National Remedy Review Board (NRRB), industry's alternative would "provide a comprehensive remedy for the entire 17 miles of the [Passaic site]; reduce sediment-related risks faster and more cost effectively; cause less resuspension and less disruption to the community; and be consistent with the [National Contingency Plan] and current EPA guidance."

In its newly released proposal, EPA argues it will "employ an adaptive management approach during the remedial design and implementation of the remedy," allowing for appropriate adjustments to the plan.

In [April 11 comments](#) on EPA's proposal, NRRB and the Contaminated Sediments Technical Advisory Group "recommend that the Region reconsider the less costly CAD scenario and clearly explain in its decision documents the basis for the Region's preferred off-site disposal scenario."

The comments also say the proposal would achieve "a significant reduction in sediment and biota contamination within the Passaic River system," but that it "may not achieve fish or crab tissue contaminant concentrations protective of human health without the continuation of fish consumption advisories."

In its proposal, EPA says that within a reasonable time frame, it expects to recommend that fish advisories can be "relaxed as interim remediation milestones are achieved." The advisory boards also recommend that EPA explain its rationale for concluding that the interim eight-mile remedy "would be consistent with the remedy to be selected in the future for the entire river."

In selecting its preferred option, the agency also rejected a more comprehensive proposal to remove 9.7 million cubic yards of sediment, which would cost \$3.3 billion using off-site disposal and \$1.3 billion using CAD. That option would take 11 years to implement.

Though both bank-to-bank dredging options would meet health protectiveness levels, EPA said, the preferred option does so in half the time and would dredge a significantly smaller volume of sediment. "This means that there would be significantly less short-term impact on the community, workers and the environment," the agency says. -- *Lee Logan*